Pro Se
Harriet Menezes
169 Thoreau Street, Unit 8
Concord, MA 01742

FILED
IN CLERKS OFFICE
2004 SEP 30 P 1:49
U.S. DISTRICT COURT
DISTRICT OF MASS.

Harriet Menezes,

Plaintiff,

vs.

United Airlines, Inc., and Frank Colosi individually and as Labor Relations Manager of United Airlines and Sara Fields, Vice President

and Paul MacKinnon individually and as International Treasurer of Association of Flight Attendants, Shirley Barber as International Treasurer of United Airlines Master Executive Council of the Association of Flight Attendants, Maria Torre Individually and as Association of Flight Attendants Chairman of Grievance Committee, Pat Friend, individually and as President of Association of Flight Attendants

Defendants

Case No.: 04-10366 JLT

A CIVIL ACTION

MOTION FOR HEARING IN RESPONSE TO MOTION TO DISMISS

1. I respectfully request a hearing, as a Pro Se applicant, to discuss the differentiating process of case 1:04-cv-10366-JLT, whether joinder is

mandatory with 1:04-cv-10365-JLT, to identify what needs to be done in response to the Motion to Dismiss, and to permit me to make oral Motions at a hearing after guidance from the Judge. [A hearing for 1:04-cv-10365-JLT is set for October 6, 2004, at 11:45 a.m., in Courtroom 20, 7th Floor at new Federal Courthouse.]

2. JURISDICTION: As outlined on my February 2004 Motion for Appointment of Counsel, I consulted with the National Labor Relations Board, the National Mediation Board, and the various U.S. Department of Labor, Office of the Massachusetts Attorney General, and the Department of Industrial Accidents. I also filed grievances with the Association of Flight Attendants but they were not responded to. Given the facts, I was advised to proceed in Federal Court thus I believe there must be subject matter jurisdiction. Jurisdiction and a claim upon which relief may be granted were listed on the Complaint.

3. As Pro Se, I am unable to argue substantive or case law. I will need additional time to respond to Motion to Dismiss to gain Affidavits from the government agencies from which I sought recourse that directed me to this court, and discovery from the Association of Flight Attendants, which showed I attempted to go through administrative process.

4. I am against the motion to dismiss because there are factual discrepancies alleged in the motion that I contest.

5. I respectfully request the court have a hearing, and conduct fact-finding on its own motion before it decides on the Motion to Dismiss.

6. As subject matter jurisdiction turns on issues of fact, I request sufficient discovery to prove jurisdiction so that a correct ruling on the Motion to Dismiss may be made.

7. I am against the motion to dismiss because the exhibited Flight Attendant Agreement used is dated 2003-2009, an altered version that was not given to me prior to the events listed in the complaint.

8. I am against the motion to dismiss because I have not commenced discovery as I am awaiting permission to do so by the court.

9. Defendant United Airlines, Frank Colosi and Sara Fields were recently served with the complaint and summons for this case.

10. This is also subject to a request for continuance if the court deems appropriate, while awaiting decision on a hearing and discovery.

11. If the judge rules on a motion to dismiss against my favor prior to further process, I respectfully request that the court equitably remand the proceedings to the appropriate forum without prejudice rather than dismiss all the causes of action.

Dated this 30th day of September, 2004

Harriet Menezes
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Pro Se, (978)369-4693

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Plaintiff's Motion for Hearing in Response to Motion to Dismiss has been served upon the Defendant's attorneys by regular first class mail in CA 04-10366-JLT, 1)Mary T. Sullivan, at Segal Roitman & Coleman, 11 Beacon St., Suite 500, Boston, MA 02108: 2) Edward J. Gilmartin, Esq., Association of Flight Attendants-CWA, AFL-CIO, 501 3rd St., NW, 9th Floor, Washington, DC 20001. 3) A courtesy copy was sent to Defendant attorney in CA 04-10365-JLT Brigitte Duffy/Yvette Politis, Seyfarth Shaw, World Trade Center East, 2 Seaport Lane, #300, Boston, MA 02210.

Dated this 30th day of September, 2004

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